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*Ans*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,833	12/28/2000	Judith C. Espejo	BS00-131	5208

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EXAMINER

LEE, JOHN J

ART UNIT PAPER NUMBER

2684

DATE MAILED: 12/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/749,833

**Applicant(s)**

ESPEJO ET AL.

**Examiner**

JOHN J LEE

**Art Unit**

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/28/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1 – 13 are objected to because of the following informalities: the claims should be provided with appropriate the description of the wards “SCP, IVR, IN TCAP”. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1 – 7, 9, and 13** are rejected under 35 U.S.C. 102(e) as being anticipated by Easley et al. (US Patent number 6,496,691).

Regarding **claim 1**, Easley discloses that a wireless communication system providing interactive voice response (column 14, lines 66 – column 15, lines 45 and Fig. 15). Easley teaches that a mobile switching system (12, 14 in Fig. 1), adapted to communicate with at least one wireless device (MS in Fig. 2) (abstract), capable of establishing a control channel and a voice channel with the wireless device (MS in Fig. 2) (Fig. 1, 3 and column 4, lines 63 – column 5, lines 30 where teaches mobile communication system, switching system, communicates with voice, data and other information (control data) via mobile station). Easley teaches that an SCP (22 in Fig. 1)

in communication with the mobile switching system (12, 14 in Fig. 1) (Fig. 1 teaches SCP communicates with MSC by T1 and see column 4, lines 1 - 23), the SCP including an IVR application (column 9, lines 60 – column 10, lines 20 and Fig. 7), and capable of retrieving customer information (column 9, lines 42 – column 10, lines 20 and Fig. 7). Easley teaches that an Intelligent Peripheral (20 in Fig. 1) in communication with the SCP (22 in Fig. 1) (T2 in Fig. 1) and the mobile switching system (12, 14 in Fig. 1), the Intelligent Peripheral including IVR messages (column 15, lines 25 – column 16, lines 6) and adapted to send those messages through a voice channel (speech signal see column 15, lines 25 - 45) to the mobile switching system (column 15, lines 49 – column 16, lines 67 and Fig. 15). Easley also teaches that wherein the mobile switching system communicates with the SCP (T1 in Fig. 1) and wherein the SCP communicates with the Intelligent Peripheral (T2 in Fig. 1) (Fig. 1 teaches MSC communicates with IP and SCP also SCP communicates with IP and MSC see column 4, lines 1 - 23).

Regarding **claim 2**, Easley discloses that the system is adapted to route a calling party to the IVR when the system receives a predetermined dialed number (column 14, lines 66 – column 15, lines 45 and Fig. 15).

Regarding **claim 3**, Easley discloses that the predetermined dialed number is an abbreviated number (column 12, lines 21 – 60 and Fig. 15).

Regarding **claim 4**, Easley discloses that the predetermined dialed number is an abbreviated number shorter than seven digits (column 12, lines 21 – 60 and Fig. 15).

Regarding **claim 5**, Easley discloses that the predetermined dialed number is a three digit code (column 12, lines 21 – 60 and Fig. 15).

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Regarding **claim 6**, Easley discloses that the predetermined dialed number is  $x11$ , where  $x$  is an integer (column 12, lines 21 – 60 and Fig. 15 where teaches predetermined dialed number is for example “\*69” regarding the “ $x11$ ” as the principle work is same).

Regarding **claim 7**, Easley discloses that the SCP communicates with the mobile switching system using IN TCAP messaging (column 9, lines 60 – column 10, lines 20).

Regarding **claim 9**, Easley discloses that the SCP communicates with the intelligent Peripheral using IN TCAP messaging (column 9, lines 60 – column 10, lines 20).

Regarding **claim 13**, Easley discloses that the SCP communicates with an intelligent Peripheral, and wherein the Intelligent Peripheral plays voice messages through a voice path to the mobile switching system (column 15, lines 25 – column 16, lines 67 and Fig. 15).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 8 and 10 - 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Easley in view of Christiansen et al. (US Patent number 6,075,855).

Regarding **claim 8, 10, and 11**, Easley does not specifically disclose the limitation “SCP communicates with the intelligent Peripheral and mobile switching system using TCP/IP”. However, Christiansen discloses the limitation “SCP (7 in Fig. 1) communicates with the intelligent Peripheral (IVRU (can be anything)) and mobile switching system (4 in Fig. 1) using TCP/IP” (Fig. 1 and column 5, lines 46 – column 6, lines 15 where the Fig. 1 teaches IVRU sends a message to SCP over the TCP/IP link connection also SCP sends the message to MSC). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Easley system as taught by Christiansen. The motivation does so would be to enhance communication data link using TCP/IP link for efficient network connection in mobile communication system.

Regarding **claim 12**, Easley discloses that the SCP communicates with an intelligent Peripheral using IN TCAP messaging (column 9, lines 60 – column 10, lines 20).

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McHenry et al. (US Patent number 6,397,055) discloses Mobile to Mobile Call Delivery for Calling Party Pays Wireless Service.

Batni et al. (US Patent number 6,490,450) discloses Capturing and Modifying of Mobile Subscriber Information.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or

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relating to the status of this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

J.L  
November 29, 2003

John J Lee

A handwritten signature in black ink, appearing to read "John J Lee", with a stylized flourish at the end.